



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 13352

PERMIT 7891

LICENSE 3892

THIS IS TO CERTIFY, That

Porter T. Peabody  
Route 2, Box 267  
Gilroy, California

Notice of Change (Over)

*made proof as of May 6, 1953*  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
an unnamed stream in Santa Clara County

tributary to Llagas Creek

for the purpose of irrigation, stock-watering and fish culture uses  
under Permit 7891 of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from September 14, 1949;  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed fifty-six (56) acre-feet per  
annum, to be collected from about November 1 of each year to about April 30 of the  
succeeding year. Withdrawals from storage shall not exceed fifty-three (53) acre-feet  
per annum under this right.

The point of diversion of such water is located due north five hundred (500) feet from SW  
corner of Section 23, T 10 S, R 4 E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 23.

A description of the lands or the place where such water is put to beneficial use is as follows: irrigation of  
15 acres within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 23, T 10 S, R 4 E, MDB&M,  
and stock-watering and fish culture uses at reservoir within said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of  
Section 23, T 10 S, R 4 E, MDB&M

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance  
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or  
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 18th  
day of March, 1954

A. D. EDMONSTON, State Engineer

By

HARVEY O. BANKS  
Assistant State Engineer

10/6/67 - Interest of Porter T. Peabody  
Trf. to Loretta C. Peabody

11-12-70 RECEIVED NOTICE OF ASSIGNMENT TO La Harris Partnership

2-21-79 Asgd to Jack H. Eaton, Fred Lemke + Fred W.  
Kle Klotz

LICENSE 3892

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Porter T. Peabody

DATED

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